

UNITED STATES DISTRICT COURT

for the
District of South DakotaIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Case No. 5:20-mj-236

USA v. 20-20-05

SEALED**APPLICATION FOR A SEARCH WARRANT**

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

A silver 2006 Chevrolet Malibu, VIN 1G1ZT51816F170592, listed and shown in Attachment A to the Affidavit in Support of Search Warrant, which is attached to and hereby incorporated into this Application by this reference.
located in the _____ District of _____ South Dakota _____, there is now concealed (identify the person or describe the property to be seized):

Contraband and evidence, fruits, and instrumentalities of the crime of Assault with a Dangerous Weapon, as set forth in Attachment B to Affidavit in Support of Search Warrant Application, attached and incorporated hereto by this reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C. §§ 113(a)(3) and
1153

Offense Description
Assault with a Dangerous Weapon

The application is based on these facts:

See Affidavit in Support of Search Warrant, USA v. 20-20-05, which is attached hereto and incorporated herein by this reference.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

FBI SA Jeremy Ewan

Printed name and title

Sworn to before me and: [] signed in my presence.

[§ Submitted, attested to and acknowledged by
reliable electronic means.

Date: 12/2/20

City and state: Rapid City, SD



Judge's signature

Daneta Wollmann, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT

for the
District of South DakotaIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Case No. 5:20-mj-236

USA v. 20-20-05

SEALED**SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____ South Dakota
(identify the person or describe the property to be searched and give its location):

A silver 2006 Chevrolet Malibu, VIN 1G1ZT51816F170592, listed and shown in Attachment A to the Affidavit in Support of Search Warrant Application, which is attached and incorporated hereto by this reference.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

Contraband and evidence, fruits, and instrumentalities of the crime of Assault with a Dangerous Weapon, as set forth in Attachment B to Affidavit in Support of Search Warrant Application, attached and incorporated hereto by this reference.

I find that the affidavit, or any recorded testimony, establishes probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before December 16, 2020 (not to exceed 14 days)
☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Daneta Wollmann
(United States Magistrate Judge)☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____.Date and time issued: 12/2/20 at 9am
Judge's signatureCity and state: Rapid City, SDDaneta Wollmann, U.S. Magistrate Judge
Printed name and title

CC: AUSA Keldermn

AO 93 (Rev. 11/13) Search and Seizure Warrant (Page 2)

Return

Case No.:

5:20-mj-236

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

*Executing officer's signature*_____
Printed name and title

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

IN THE SEARCH OF:

CASE NUMBER: 5:20-mj-236

USA v. 20-20-05

**AFFIDAVIT IN SUPPORT OF
SEARCH WARRANT APPLICATION**

State of South Dakota)
) ss
County of Pennington)

I, Jeremy Ewan, Special Agent (SA) with the Federal Bureau of Investigation (FBI), being duly sworn, state as follows:

1. I am a Special Agent (SA) with the FBI, and I am assigned to the Rapid City Resident Agency, Rapid City, South Dakota. I have over 2 years of experience with the FBI as a Special Agent and approximately 14 years of law enforcement experience. During that time, I have investigated federal crimes occurring within Indian country, including violations of 18 U.S.C. §§ 113(a)(3) and 1153, Assault with a Dangerous Weapon, and multiple other types of assaults and other crimes.

2. The facts set forth in this affidavit are based on my personal knowledge; knowledge obtained from other individuals, including other law enforcement officers; interviews of persons with knowledge; communications with others who have personal knowledge of the events and circumstances described herein; and information gained through my training and experience. This affidavit contains information necessary to support probable cause for this proposed criminal complaint and does not contain every material fact that I have learned during the course of this investigation; however,

no information known to me that would tend to negate probable cause has been withheld from this affidavit.

ITEMS TO BE SEARCHED FOR AND SEIZED:

3. I make this affidavit in support of an application for a search warrant for: A silver 2006 Chevrolet Malibu with VIN 1G1ZT51816F170592, as listed and shown in the photograph contained in Attachment A.

4. The warrant is being sought and obtained in order to conduct a search for contraband and evidence, fruits, and instrumentalities of violations of 18 U.S.C. § 113(a)(3), Assault with a Dangerous Weapon, as listed in Attachment B.

PROBABLE CAUSE AND BACKGROUND OF THE INVESTIGATION

5. Your affiant learned that on November 10, 2020, Angelo Morales, a/k/a Angelo No Moccasins, was outside a residence in Pine Ridge, South Dakota. Pine Ridge is within the exterior boundaries of the Pine Ridge Reservation. Your affiant learned that at some point in the evening, Charles Schrader and an individual named Louis Winters III approached the home.

6. Your affiant has learned that officers with the Oglala Sioux Tribe Department of Public Safety (OSTDPS) initially were notified of a shooting at 1098 Crazy Horse Housing in Pine Ridge, South Dakota. Officer Gabriella Fills The Pipe responded. When she arrived, an individual named Roger Bird flagged her down and pointed Officer Fills The Pipe toward where Morales was on his stomach. Officer Fills The Pipe approached Morales and observed what appeared to be a shotgun injury to his lower back. She noted several small wounds and a large area of plastic stuck to

his back. According to her report, which was completed on November 16, 2020, “[w]hen asked who shot him, he stated ‘Louis Winters’ and when asked about what vehicle he was in he said ‘Charlie Schrader Avalanche.’” Officer Oscar Hudspeth also reported that he heard Morales state, when asked who shot him, that it was “Louise Winters.”

7. FBI SA Eric Doell was notified about the report of the shooting. He went to the Monument Health Hospital in Rapid City, South Dakota, on November 10, 2020, and November 13, 2020. The first interview was brief because Morales was receiving medical treatment for his injuries. During that interview, Morales informed SA Doell that he was physically assaulted by Louis Winters III and shot by Charles Schrader. Morales told SA Doell that Winters also tried to shoot Morales, but that the shotgun did not fire.

8. In the second interview, Morales provided more detail. Morales stated he was outside the home in the vicinity of 1098 Crazy Horse Housing, colloquially known in the area as the “Corner Pocket.” Morales stated he was aware of a fight between Alex Winters and Alex Winters’ girlfriend that had occurred the night before wherein Alex Winters sustained numerous lacerations to his head which required stitches or staples. Alex Winters’ girlfriend was Morales’ children’s mother’s sister. Morales informed the FBI that Louis Winters III walked up to him outside of “Corner Pocket” and accosted him.

9. Louis Winters III was angry about what had happened to Alex Winters and believed that Morales had something to do with it. Winters III hit Morales in the face

and they scuffled. Morales saw Charles Schrader get out of a white Chevrolet Avalanche. Morales knew this vehicle to be operated by Schrader. Morales saw Schrader get out of the Avalanche with a shotgun. Winters III was telling Schrader to shoot Morales. Morales turned away and Charles Schrader shot him in the back. Winters III then kicked Morales in the face before Winters III and Schrader left in Schrader's Avalanche.

10. Investigators learned that there were two individuals with the name Charles Schrader¹: Charles Schrader Sr. and Charles Schrader Jr. Morales confirmed that the individual he knew as Charles Schrader, Sr., was the individual who fired a shotgun at Morales.

11. Morales sustained gunshot wound injuries to his back, including penetrating wounds from shotgun pellets and gunpowder burns.

12. Morales stated that after he fell to the ground, Louis Winters, III kicked him in the face. Morales believed Schrader and Winters left in Morales' vehicle, a blue 2007 Jeep Liberty, or in Schrader's Avalanche.

13. Your affiant is aware of an individual named Charles Schrader, date of birth May 30, 1966, that is known as Charles Schrader, Sr. The Oglala Sioux Tribe has confirmed that Schrader is an enrolled tribal member.

14. On November 14, 2020, the Rapid City Police Department received an anonymous tip through the department's online reporting system. The information was

¹ For continuity, in this affidavit, Charles Schrader refers to the individual here identified as Charles Schrader, Sr.

forwarded to the FBI on November 17. The tip said, "Louis winters the second is out on parole after doing 18 years in prison for murder and he's out now. He recently gave his son Louis Winters the 3rd a gun to go shoot Chico Morales. The shooting happened in pine ridge about 5 days ago and it was Louis Winters the 2nd who gave them the gun to go shoot Chico. He did this 18 years ago and had Lucien Janis killed and now he's doing it again."

15. After a criminal complaint and warrant were issued for Charles Schrader, members of the FBI and Rapid City Police Department learned that Charles Schrader had left the Pine Ridge area after the aforementioned shooting. Law enforcement learned that Schrader had gone to Rapid City and was staying in room 116 at the Super 8 Hotel at 2520 Tower Road, Rapid City, SD. Law enforcement conducted surveillance at the hotel and identified Charles Schrader, Torry Ghost Bear and others later identified as Lyle Jacobs, Deirdre Winters, and Brittany Schulte were present and associated with each other.

16. Law enforcement personnel have confirmed with personnel at the Super 8 Hotel that room 116 was rented by another individual at approximately 2:15 AM on November 11, 2020.

17. At approximately 12:59 PM on November 11, 2020, Charles Schrader was observed exiting the hotel and entered a red Ford Focus. Law enforcement conducted a traffic stop of the vehicle. Schrader was arrested on a warrant on a criminal complaint, and upon Schrader's person was a folding knife, a lighter and a wallet.

18. Contemporaneous with Schrader's arrest, Torry Ghost Bear, who was known to have active local warrants and was previously identified with Schrader, was taken into custody outside the front door to the hotel. Just prior to the arrest, Ghost Bear indicated that the Chevy Malibu described in the caption of this affidavit belonged to him. The vehicle did not have license plates, but a temporary registration in the window stated that it was purchased by an individual named Matt Goings. Your affiant was later contacted by phone by a woman who identified herself as Missy Goings. Missy Goings said that the Chevrolet Malibu belonged to her and that she loaned it to her nephew, Ghost Bear, on November 10. Ghost Bear told Missy Goings that he had to make a "mad dash" to Rapid City.

19. Brittany Schulte, who had been detained during the arrest, informed law enforcement that the people who had been in the room were those who had just been arrested and/or detained, including her boyfriend, Torry Ghost Bear. She did not provide the names of the others who had been in the room. She stated her boyfriend's uncle had been in the room, identifying the "uncle" as the person whom law enforcement had arrested, meaning Charles Schrader.

20. Your affiant has been informed by other law enforcement personnel that Charles Schrader is an uncle to Torry Ghost Bear, the person whom Schulte identified as her boyfriend.

21. The Super 8 Hotel provided surveillance video from the morning of November 11, 2020. Your affiant reviewed the video and observed what appeared to be the Chevy Malibu described in this affidavit. In the video, a woman approached the

Malibu and spoke to its occupants immediately after renting room #116. The female then left the hotel in a separate vehicle, while the Malibu moved to a parking spot on the south side of the building, near room #116. Two adult males, believed to be Schrader and Ghost Bear, then exited the vehicle and entered the Super 8.

22. The Chevy Malibu described in this affidavit was seized during the arrest of Schrader and transported to a secure FBI facility in Rapid City for safekeeping. It should be noted that when the vehicle was seized it appeared to be parked in the same location where it had been observed on the surveillance video.

23. In your affiant's law enforcement experience and training, your affiant is aware that criminals often flee with a firearm used in committing a crime, and that items a person is wearing or possessing, to include: cell phones, smart electronic devices, such as smart watches or other similar devices that log GPS activities, can contain evidence of crimes.

REQUEST FOR SEALING OF APPLICATION/AFFIDAVIT


24. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed in that the affidavit and warrant are part of an ongoing investigation. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their disclosure may seriously jeopardize the investigation.

CONCLUSION

25. Based on my training and experience, and the facts as set forth in this affidavit, your affiant believes there is probable cause to believe that evidence related to the shooting may be found in a silver 2006 Chevrolet Malibu with VIN 1G1ZT51816F170592 currently located at a secure FBI facility in Rapid City, South Dakota.


Special Agent Jeremy Ewan
Federal Bureau of Investigation

SUBSCRIBED and SWORN to
_____ in my presence
 x by reliable electronic means
December
this 2nd day of ~~November~~ December, 2020.


DANETA WOLLMANN
U.S. MAGISTRATE JUDGE

ATTACHMENT A

Property to Be Searched

A silver 2006 Chevrolet Malibu with VIN 1G1ZT51816F170592 currently located at a secure FBI facility in Rapid City, South Dakota, as shown in the photograph below.



ATTACHMENT B

Particular Things to be Seized

Contraband and evidence, fruits, and instrumentalities of violations of 18 U.S.C. § 113(a)(3), Assault with a Dangerous Weapon.